



DIVISION OF DEVELOPMENTAL DISABILITIES
Olympia, Washington

TITLE: COMMUNICATIONS WITH ATTORNEY GENERAL POLICY 2.02

Authority: Chapter 4.92 RCW

PURPOSE

This policy describes the process for requesting assistance from the Office of the Attorney General (AGO): (a) for legal advice; (b) for assistance with or in a fair hearing; or (c) in a lawsuit where you are sued. This policy is intended to eliminate duplicate requests, coordinate staff efforts, and facilitate communication of AGO responses to all appropriate staff of the Division of Developmental Disabilities (DDD).

SCOPE

This policy applies to all DDD organizational units.

POLICY

A. Requests for Legal Advice Unrelated to Client Appeals

1. If a written response from the Assistant Attorney General (AAG) is required, submit the request on the *DDD Request for Legal Advice* form. A Regional Administrator (RA), Field Services Administrator (FSA), Office or Chief (OC) and the Central Office Fair Hearing Coordinator (COFHC) must sign this form.
 - a. The requestor will send a signed copy of the request form to the COFHC, who will then forward the request to the division/agency AAG and send a copy to the Division Director.
 - b. Upon receipt of the form, the designated AAG will acknowledge receipt and let the requestor know when they can expect a response.

2. Requests needing a verbal response can be communicated orally, via email, or in writing using the *DDD Request for Legal Advice* form. If communicating via email, be sure to include all of the elements listed on the form. The appropriate RA, FSA, OC, and/or COFHC should screen requests.
3. If an emergency exists, and legal advice is needed immediately, efforts should be made to screen the request first with the appropriate RA, FSA, OC, or COFHC.

B. Requests for Legal Advice Related to Client Appeals/Fair Hearings

1. Regional Fair Hearings Coordinators are expected to represent the department at Fair Hearings.
 - (a) If an employee suspects that he or she may need AAG representation due to the complexity of the issues involved, or if the appellant has an attorney, or because further litigation is anticipated, the employee should discuss this with the COFHC and his or her RA or FSA.
 - (b) If it is determined by the FSA or COFHC that representation is advisable, the employee and the COFHC should involve the AAG as soon as possible. The AAG will make the final determination as to the level of AAG involvement.
 - (c) If a representation request is denied, and the employee continues to believe that the case cannot be adequately represented, the employee should contact the COFHC, RA or FSA for further assistance.
2. AAG consultation and assistance is available to the regions for client appeals and Fair Hearings.
 - (a) Regional Fair Hearings Coordinators (FHCs) will follow the attached protocol when they need AAG assistance with Fair Hearings.
 - (b) Regional FHCs should use the attached *Request for Legal Advice* form when requesting assistance from the AAG to ensure that the AAG has all of the information needed.
 - (c) Requests for the AAG to draft the motions or appeals must be coordinated through Central Office and made as far in advance as possible to allow the AAG time to complete the work and meet required timelines. The employee may be asked to assist directly with drafting the appeal.

C. Notification/Representation in a Lawsuit

1. If a DDD employee is named in a lawsuit arising from his or her job duties, the employee should contact the RA or FSA and the designated AAG immediately.
2. If a division employee has reason to believe that a lawsuit may be filed against them or the department, he or she should contact the RA, division AAG, and the division Torts Manager to determine what documentation they should begin collecting, if any.

SUPERSESSION

Division Policy 2.02
Issued February 13, 2002

Division Policy 2.02
Issued November 21, 1994

Division Policy Directive: 113
Issued June 23, 1978

Approved: /s/ Linda Rolfe
Director, Division of Developmental Disabilities

Date: 4/18/02